

**Pennington Borough Planning and Zoning Board September 8, 2021
Regular Meeting**

OPEN TIME FOR PUBLIC ADDRESS: Adequate notice of this meeting has been posted in Borough Hall and sent to the officially designated newspapers: Hopewell Valley News and the Times of Trenton. Because of the state of emergency in New Jersey regarding COVID-19, the meeting will be held remotely via Zoom.

ROLL CALL: Present: James Reilly, Douglas Schotland, Katherine O'Neill, Joseph Lawver, Deb Gnatt, Mark Blackwell, Nicholas Angarone, Seung Kwak, Alternate #1, Jeanne Van Orman, Alternate #2.
Absent: Cara Laitusis

BOARD PROFESSIONALS PRESENT: Edwin W. Schmierer, Esq, Board attorney, Brian Perry, Van Note Harvey, Borough Attorney, Jim Kyle, Borough Planner, and John Flemming, Zoning Officer.

RESOLUTION OF MEMORIALIZATION

Application 21-011

Bronwyn Haley & Sandra Radice – 309 Hale Street, Pennington, NJ 08534, Block. 706, Lot 8, requesting variance for placement of a back up generator on the left side of their residence which does not meet the side-yard setback requirements. Motion: Nick Angarone, Second: Kate O'Neill. Resolution of Memorialization was approved by all board members with the exception of Deb Gnatt and Jeanne Van Orman who abstained.

Application 16-002

J & M Schragger, LLC, minor subdivision application and variance relief pursuant to NJSA 40:55D-36 - Block 1002/Lot12 (now lots 12.01 and 12.02). Mr Schmierer explained that the Borough offered to purchase Lot 12.02 to preserve the property for open space. The offer was accepted. The modifications reflect that all conditions of approval associated with development will be removed from the Board's approval resolution. Kate O'Neill asked about the use of the park. Eileen Heinzl advised that she will bring the question to Council. Motion: Nick Angarone. Second: Mark Blackwell. Modification of Conditions of Approval approved by the Board by Resolution of Memorialization. Joe Lawver and Deb Gnatt abstained

APPLICATIONS

1. The Pennington School, 112 West Delaware Avenue, Pennington, NJ 08534, seeking a minor development variance for replacing ball stoppers with taller ball stoppers. Mr. Goldberg, attorney for the applicant, raised a question about the Board's jurisdiction. It appears that there were two Zoom links. Mr. Goldberg used the link provided by the Borough in his public notice. The link posted on the Borough website and, after discussion with Board members, the link used by all Board members and others present, was the one sent to them by the

Borough in the days leading up to the meeting. Since access to the meeting was via a link originally scheduled and used by the applicant but not available to the public, the Board agreed that the meeting could not go forward and should be rescheduled. Ed Schmierer advised that new notice would be required. The application will be heard October 13th at 7:30.

Mr. Schmierer, responding to questions, advised that the Board's approval of the Resolutions of Memorialization is appropriate despite the public notice issue because those votes reflect action taken by the Board at previously, properly noticed meetings.

2. Conceptual Review - Toll Gate Grammar School - outdoor classroom - garden space that includes a deck structure set at grade and a shade structure.

Katie Bailey appeared on behalf of the Hopewell Valley Board of Education. She asked for guidance from the Board on how they should proceed with seeking approval of their project. After debate, and Board members sharing their perspectives, the Board agreed by a vote of 6-3 not to take jurisdiction due to the notice issue and asked the applicant to re-submit for the October 13th Board meeting. Katie Bailey expressed her disappointment and frustration with the amount of time this matter has taken before being heard for a conceptual review by the Board.

2. Zoning Officers Report

John Flemming mentioned that Dino Spadaccini would be requesting permission to use the Borough easement in their rear yard for installation of a generator. John suggested that the Master Plan Review Committee should review requirements for generators.

Minutes:

The Minutes of the August 11, 2021 meeting were approved on motion by Kate O'Neill second by Mark Blackwell. Jeanne Von Orman and Deb Gnatt abstained. All voting members voted in favor of the minutes.

Meeting was adjourned at 8:30 pm on Motion by Deb Gnatt, Second by Mark Blackwell.

Respectfully submitted by Eileen Heinzl, Acting Planning Board secretary.